

Amendment and Response under 37 C.F.R. 1.116

Applicant: Steve O. Rasmussen et al.

Serial No.: 10/616,809

Filed: July 10, 2003

Docket No.: 10012978-2

Title: STARWHEEL ACTUATION TIMING FOR PRINT MEDIA TRANSPORT SYSTEM AND METHOD**REMARKS**

The following Remarks are made in response to the Final Office Action mailed October 14, 2004, in which claims 63, 65, 68-77, 91, and 93-104 were allowed and claims 46-62, 64, 66, 67, 78-90, and 92 were rejected. With this amendment, claims 55, 64, and 75 have been amended to clarify Applicant's invention. Claims 46-104 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

Claims 55, 64, and 75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, claims 55, 64, and 75 are rejected under 35 U.S.C. 112, second paragraph, on the basis that it is unclear how long the length of the trailing end portion of the print media is.

With this Amendment, claims 55, 64, and 75 have been amended to clarify that the trailing portion of the print media communicates with an end of the print media and that a length of the trailing portion of the print media is less than a circumference of the starwheel.

In view of the above, Applicant submits that claims 55, 64, and 75 are clear and are in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 55, 64, and 75 under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn and that claims 55, 64, and 75 be allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 46-62, 64, 66, 67, 78-90, and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura U.S. Patent No. 5,818,487. Applicant respectfully traverses this rejection.

Independent claims 46, 58, and 78 each include a drive roller and a starwheel and recite that the starwheel is prevented from contact with the drive roller, and independent claims 83 and 86 each include a drive roller and a starwheel and recite that selectively actuating the starwheel includes preventing contact between the starwheel and the drive roller.

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The Examiner contends that element 126 of the Yoshimura et al. patent constitutes the drive roller and element 131 of the Yoshimura et al. patent constitutes the starwheel.

The Yoshimura et al. patent discloses that when the paper-discharging roller unit 112 [sic] is at the paper-discharging position, the paper-discharging roller 131 is urged against the drive roller 126 (col. 5, lines 49-58). In addition, the Yoshimura et al. patent teaches that with the paper 138 at the print-initiating position P1 (Fig. 7), the drive circuit 157 of the paper-transporting mechanism causes the roller selecting motor 156 to switch the paper-discharging roller unit 113 to the paper-discharging position (col. 6, lines 49-55). At the print-initiating position P1 of the Yoshimura et al. patent, however, the paper 138 is not positioned between the paper-discharging roller 131 and the drive roller 126 (see, e.g., Fig. 7). As such, when the drive circuit 157 of the Yoshimura et al. patent switches the paper-discharging roller unit 113 to the paper-discharging position, the paper-discharging roller 131 contacts the drive roller 126 (Fig. 7). Thus, the paper-discharging roller 131 of the Yoshimura et al. patent is not prevented from contact with the drive roller 126.

In view of the above, Applicant submits that independent claims 46, 58, 78, 83, and 86 are each patentably distinct from the Yoshimura et al. patent and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 47-57 further define patentably distinct claim 46, dependent claims 59-62, 64, 66, and 67 further define patentably distinct claim 58, dependent claims 79-82 further define patentably distinct claim 78, dependent claims 84-85 further define patentably distinct claim 83, and dependent claims 87-90 and 92 further define patentably distinct claim 86, Applicant submits that each of these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 46-62, 64, 66, 67, 78-90, and 92 under 35 U.S.C. 102(b) be reconsidered and withdrawn and that claims 46-62, 64, 66, 67, 78-90, and 92 be allowed.

The Examiner indicates that claims 68-77 are allowed. Independent claim 68 includes rotatably mounting a drive roller on an exit side of the print zone; rotatably mounting a starwheel in opposing relationship to the drive roller on the exit side of the print zone; contacting a first side of the print media with the drive roller; and selectively actuating the starwheel and moving the starwheel between a first position in which the starwheel is spaced from the print media and a second position in which the starwheel contacts a second side of the print media, wherein selectively actuating the starwheel includes preventing contact

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between the starwheel and the drive roller, and moving the starwheel to the second position and contacting the second side of the print media with the starwheel after the drive roller contacts the first side of the print media.

Independent claim 46 includes a secondary drive roller rotatably mounted on an exit side of the print zone and adapted to contact a first side of the print media; and a starwheel rotatably mounted opposite the secondary drive roller and configured to move between a disengaged position in which the starwheel is spaced from the print media and an engaged position in which the starwheel contacts a second side of the print media, wherein the starwheel is prevented from contact with the secondary drive roller and adapted to be moved to the engaged position after the secondary drive roller contacts the first side of the print media.

Independent claim 58 includes a drive roller rotatably mounted on an exit side of the print zone and adapted to contact a second side of the print media, and a starwheel rotatably mounted opposite the drive roller and configured to move between a disengaged position in which the starwheel is spaced from the print media and an engaged position in which the starwheel contacts the first side of the print media, wherein the starwheel is prevented from contact with the drive roller and adapted to be moved to the engaged position after the drive roller contacts the second side of the print media.

Accordingly, for at least the reason(s) that independent claim 68 is patentably distinct from the prior art and allowed, Applicant submits that independent claims 46 and 58 are also patentably distinct from the prior art. Applicant, therefore, requests that independent claim 46, with claims 47-57 depending therefrom, and independent claim 58, with claims 59-67 depending therefrom, be allowed.

Allowable Subject Matter

Claims 63, 65, 68-77, 91, and 93-104 are allowed. Applicant appreciates the indicated allowance of these claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to

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teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 46-104 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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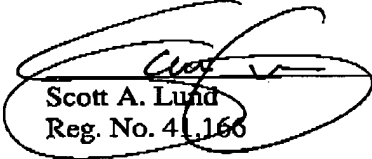
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 13th day of December, 2004.

By 
Name: Scott A. Lund